1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

daughters of sovereigns were the princes and princesses of the realm. Princesses were often given in marriage by the king to create alliances between the throne and other states, or nobles, or as rewards to trusted followers. Often, one among the princes was designated Chiroma or heir apparent. However, there was no hard and fast rule that the Chiroma either had the title for life, or that having been graced by the title its holder automatically succeeded to the throne. Although there was no special term for royal granddaughter, a king's grandsons who might become princes, if their fathers obtained the throne, were referred to by a special term.

Attached to the royal household by bonds of strict loyalty and obedience were the king's followers, some of whom lived in the palace, while others lived nearby. These, known as Koguna, together with members of the royal family and their followers provided the basis for the nobility of the state. They were of two main types—slave and free—with slaves being divided into ordinary slaves and eunuchs. The slaves originated from the slave trade or from raids made among pagan groups, or from the sons and daughters of slaves. The free nobility came from deroyalized segments of the royal family as it expanded through time and from descendants of nobles. This nobility was the source of personnel for the bulk of the administrative activities of the state. They served as the monarch's personal bodyguard, as messengers, military commanders, tax collectors, trusted spies, praise singers, slave raiders, consuls, and foreign emissaries. From their ranks came the people who bore the major titles of the state. Some of the titles were derived from Islam; others came from earlier times in Kanem or Bornu history. Although much changed in their nature, a number of these have survived to the present day.

In order to administer the kingdom, titled nobles, including the titled women of the royal family, were given fiefs equivalent to what are today village area units. All such holdings were fragmented and dispersed so that no one noble had control over any large portion of the state. The fief holdings varied in size and number per noble and were a measure of the political success of that particular noble at any point in time. The one exception was the Galidima. The holder of this title maintained a large consolidated set of village areas on the western boundary to protect the east-west trade and guard the western approaches to the capital city. The fief-holders raised militia for the monarch and taxes for themselves and the monarch. They also served as an appeal court system for the local people when they wished adjudication at higher than the local level. Thus people could obtain a royal audience by going through the fief hierarchy. The Kanuri also used the widespread Sudanese practice of dividing the kingdom into quadrants based on the four cardinal directions. Over each quadrant was a highly trusted follower of the king who could oversee the administration of his own quadrant, raise direct royal tax levies, and serve as an alternative form of hierarchy between the people and their ruler. The system functioned in this way as a check on the power of fief-holders, since the king could take fiefs away and redistribute them if there was sufficient reason for doing so. Through their own subordinates these quadrant leaders also administered the nomadic peoples of the kingdom who could not be easily worked into the administration of the fief system based as it was on settled populations. Two of the four leaders were always eunuchs, making for an automatically free power of appointment by the monarch, since these men had no heirs. The other two were always chosen from among the king's closest associates, although there was also a

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

175 642 631 634 tendency for these two titles to be passed on down the male line. Even in this latter case, however, the king could always choose those most likely to be totally loyal to his administration from among the heirs, or even disregard the hereditary rule if he wished and give the title to some other person. The four quadrant leaders also had their own fiefs which they used as the basic support for their large household organizations in the capital.

175 648 Vassal groups and territories paid tribute in kind through their leaders to the treasury of the Mai of Bornu. In the heyday of Bornu during the fifteenth and sixteenth centuries these vassals included a large number of surrounding peoples in what is now Northern Nigeria, Niger, and Chad. These subordinate groups were organized in two ways. In the first instance a Bornu consul was appointed to reside in the tributary state to help collect annual tributes and administer the government. This was in effect a kind of conquest and occupation used most often in adjacent and nearby territories. The second method was to leave the territory under the control of its own leaders after they had pledged their loyalty and their intention to pay tributes and give military support to Bornu whenever necessary; they were also expected to provide safety and hospitality to expeditions and caravans going to and from Bornu. Some of these vassal states were caught between two great powers. Such a case were the Hausa of northwestern Nigeria. Caught as they were between Songhai to the west and Bornu to the east they, therefore, paid tributes in two directions, always hoping that someday they could be relieved of these burdens by an increase in their own power or a decrease in the power of one or both of their overlords. Indeed Bornu traditions and written records are almost totally concerned with expeditions against reluctant tributaries who were remiss in the payment of their tributes. On the other hand, there are also accounts of tributary states sending to Bornu for help against external enemies and internal revolts; so the relationship could, and often did, work to the advantage of both the conqueror and the conquered.

175 793 692 The religious and legal life of the state was strongly influenced by the specialized religious practitioners who were steeped in the Koran and Islamic jurisprudence. The chief judge and religious leader of early Bornu was given the title of Talba and is referred to in traditions as "second to the king," or the next in authority to the monarch himself. He and his descendants and client followers knew the Arabic script and thus made up a literate group closely associated with political leaders as scribes, legal advisers and religious functionaries. These men sat in on judicial hearings and advised political leaders who adjudicated on the basis of their own knowledge of the law. Besides the Mai, most noble households kept such religious men within their compounds for similar purposes, and as instructors for the children. Under such conditions the religious leaders were also strong supporters of the state and its power structure.

175 651 Little is known of the details of taxation for the early Bornu kingdom although records are much better for the nineteenth century system. Obviously some form of tax was levied on local fiefs by fief-holders as well as by the monarch who also received tributes from vassal states and a major portion of booty from warfare. As we have already noted, it is fairly evident that royal taxation of the Bornu population itself was carried on through the efforts of the monarch's titled followers who held powers of royal taxation privilege in the four quadrants of the state.

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

ma, who when he was in court, sat in front of the throne facing the same way as the Shehu between the two lines. This symbolized his semi-independent status as a holder of a large section of the kingdom rather than a set of fragmented fiefs. Thus the idea of a consolidated set of fief-holdings on the western boundary was maintained. There was a constant threat from the Fulani which made such a move politically expedient.

How much actual power this nineteenth-century court actually had is debatable. Obviously a few favorite advisers who had the ear of the monarch could become very powerful men during the period of their favor. However, who these were seems to have varied throughout the century. Indeed even a place in court might be gained by a very ambitious rural chief, if he appeared often enough and was able to please the monarch by his service and tributes. In the realm of the judiciary some significant changes occurred as well. Before the nineteenth century, as we have already noted, there was a chief judge, the Talba, who was ranked as "the second man" in the state. During the double regency at the beginning of the century, the first Shehu, Laminu, acted as his own chief judge. He was steeped in Koranic learning and is supposed to have had magical powers that enabled him to adjudicate even the most difficult of cases, harshly but with justice. Parenthetically, this power—and not his military acumen and leadership—is considered by the traditions to have been the chief reason why Laminu saved Bornu from the Fulani wars. Later in his rule, sometime in the 1820s, Shehu Laminu appointed two leading religious personages who came from the families of the leading Bornu religious practitioners to the new offices of Liman and Imam. The former took over the major duties of chief legal adviser to the Shehu, while the Imam became the chief religious practitioner in the state. The old Talba stayed with the court of the former dynasty, and after its demise the title became a lesser one in the judicial hierarchy which is where it stands today.

Punishments for misdemeanors were relatively harsh by contempory standards. Adultery on a Muslim holy day could bring 400 lashes to a man or 200 to a woman. It was believed that judges in the capital of Kuka actually set spies upon the populace in search of law breakers. Intentional murder was punishable by death, and the relatives of the dead man carried out the execution by stoning the murderer. Thieves who were repeatedly caught finally had a hand cut off or were tortured by being buried up to the neck, then having their heads buttered or honeyed and exposed above the ground to attract insects. Unpaid debts proven in court resulted in the confiscation of all the debtor's movable property and a fine to the court. The debtor was pinned to the ground by court officials until he consented to confiscation. However, if he obviously had no means at all, the judge dismissed the case with the words, "God send you the means."

All titled officials and even untitled followers of the Shehu could be given or they could inherit, at the pleasure of the Shehu, rights of revenue collection and administration in one or more settlements spread throughout the entire state. These fiefs were granted by the Shehu, nominal owner of all the land in the state. Generally speaking such rights were hereditary in the male line, but the Shehu could diminish or expand the holding of one fief-holder at the expense of another, and a new monarch was expected to patronize his own favorites. Any person holding a fief directly from the monarch was called a chima kura or "the big lord." There

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By the time the big lord living in the capital would have appointed several representatives to this particular fief because it had grown so big. Such fiefs were the ones most likely to fall prey to sub-division at the death of a king and appointment of a new one. For at this time the incoming monarch had to reward his chief supporters with grants of new fiefs.

As in the pre-nineteenth century the political hierarchy served as an appeal court system, and at the very top of the local fief hierarchy the junior lords shared adjudication with the most senior local leader whatever his rank. Usually these very senior political leaders of the fief had koranic scholars, or mallams, who gave legal advice. Serious cases such as homicide were referred immediately to the capital.

The other variety of fief, that based on birth into a particular group, or *jili* is less well understood. The word "jili" refers to variety or kind. The people speak of this or that jili of soil, or tree, or person. In using it to refer to a person they give his territorial or settlement background, or ethnic group, or his clan grouping if this differs from his territorial classification. Thus a person can have several jili —ethnic, territorial, or clan. Even patrilineal lineage affiliation can be described under this term. Nomadic groups in Bornu were represented as jili in the Shehu's court by a big lord of the jili (chima kura jilibe); this man was, in effect, the fief-holder responsible for the nomad group. Sometimes he was a leader of the group itself, and at other times he was a trusted Kanuri follower of the monarch. In both cases the big lord of the jili administered the group through his own representative in the group who was, unlike the territorial grouping, the local leader of a nomad clan, or a sub-tribe. Sometimes entire tribal groupings came under one jurisdiction, and at other times or in other sections of the state the tribe would be broken down into subsections based on clan groupings with one or more clans under a single fief-holder or big lord of the jili.

This double fief system allowed the nineteenth-century Bornu government the organizational means of administering both the settled and nomadic populations of Bornu. It also did something else very important, for it allowed the government effective control over the population even when natural disasters such as outbreaks of disease or sudden invasions sent the people into flight. If a large set of settlements had grown up in one territory from an original one, and this area was then beset by some disaster, which made the people flee in several directions, they were still thought of as a jili or a single variety of persons. They were still organized under their old lords, and their old leaders still retained over them some powers of taxation and demands of loyalty. If the entire kingdom was in an uproar —as it was during the Fulani wars at the beginning of the century with people fleeing in all directions—then old leaders, or former leaders, could muster their scattered followers as jili, and the political integration of the kingdom remained intact and viable until new settlements stabilized locally, and the territorial-based fief system could re-assert itself.

Complicating the system was the settlement of groups with fiefs through permission granted by the big lord in the capital. He could be approached by the leaders of a group of craftsmen, or kinsmen, or people of the same ethnic extraction, who requested of him that they be allowed to settle in one of his fiefs. In this case, the special group was directly under the jurisdiction of the lord through his local administrator, the junior lord, who dealt with their headman. In later generations,

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

These rules of inheritance are followed very closely in practice, because everyone knows that any dispute over inheritance that cannot be settled amicably between the surviving relatives goes to court—and the court normally takes ten percent of the estate for its adjudication services in an inheritance dispute. When a man is called into the courts, and most Kanuri have been to court at some time in their lives, he must go with his agnates—his father, paternal grandfather, father's brothers, sons, father's brother's sons, and any other male he can muster who is related to him in the male line. This agnatically related group is legally responsible as a whole for the acts of each of its members unless a crime against the state has been committed. A Kanuri who is threatened immediately thinks of this group as the one that he can turn to for help. As we shall see later the group often lives close together so that the agnates are neighbors as well as a corporate group in the eyes of the law. They help one another in many day-to-day activities, perform ceremonies together, and often practice the same or closely related occupations.

Although there is an emphasis on a person's agnates, his kin relations through his mother are also quite important. People who have no matrilateral kin (those related to a person through the mother), or very few of them, are considered to be unfortunate because they lack that much warmth and affection in their lives. These kin, say the Kanuri, love you like a mother loves her child. You can feel at home with them in a way that is less conflict-ridden than any other kinship relation. People often said that if they had to borrow money it was better to go to mother's kin first before asking anyone related to them agnatically. There is always some tension over property among an agnatic descent group because it is the major one for purposes of inheritance, family wealth, and privileges. People say that if a man borrows from his father or his father's brothers, or his brothers, or his patrilateral cousin, he is trying to get his inheritance or that of his brothers before the proper time. Furthermore, the responsibility in court, and in the eyes of public opinion, of one agnate for another also increases the tensions in this group as compared to the matrilateral one. By contrast, however, a man with no agnates is not just unfortunate—he is a social outcast. He has no group to stand up for him as a result of his birth into society; he has no legal right to a father's inheritance, he is thought of as an outcast, he must rely solely on his wits, and he cannot easily be trusted.

A village area chief and his advisers declared that I should not hire a certain man and claimed that they were going to see to it that I certainly did not take him into my household. They told me that no one in the vicinity knew his brothers or his father, or his father's brothers, or indeed if he had any, or where they might be, and he would not volunteer any information on the subject. In their eyes he was not a responsible person, and if he did anything wrong there was no group they could call into account for it. Unless he could attach himself to a household, he simply had no means of achieving an accepted position in the community, and the village leaders did not like the idea of making me, a European stranger, responsible for this unknown man.[1] Obviously under such circumstances illegitimate

[1] This would mean that as his household head I must appear in court if and when he did something wrong. The local leaders did not believe they could require this responsibility from me, and were thus faced with the problem of allowing into their community a man for whom no one could vouch, yet giving him a paid place in one of its wealthiest households.

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

Besides the interlocking cycles of local markets many villages and all cycles have links with the larger centers of the export-import trade of Bornu Province. If there are roads, trucks bring out goods and people from the city at least once a week and take back locally produced things to the city. Where there are no roads the camel caravan and donkey load do the same job they have done for centuries. Where the market is too small or too remote, then the interlocking nature of the cycle brings and takes goods to a larger place on a main route.

Markets, especially those on motor roads, tend to set the pattern or rhythm of intersettlement communication and travel. Thus if Bukar of Magumeri wishes to take several bags of millet to Yerwa (the usual name for Maiduguri), he knows that he can get a lorry at the Thursday, Sunday, or Monday markets which will take him and his goods to the capital. Again if Bukar's sister is coming to visit him from the capital or some other distant place in Bornu, she will arrive on a market day. If a man's wife wishes to divorce him or he her, she must wait until market day to leave him in order to obtain proper transportation back to her relatives if they live in some distant part of the province. Thus the market cycle plus the presence of lorries and roads determines a large part of the rhythm of rural life and this in turn adds zest, interest, and excitement to market days. Beyond this rhythmical quality markets are also major sources of news and gossip about politics, marriages, births, circumcisions, and deaths. Pagans brew beer for sale on the local market day, and gamblers hold card games in the nearby bush area. Gambling, strangers, new bits of gossip, perhaps a new woman or two, drummers and entertainers, all contribute and create not just an ordinary day for buying and selling goods, but a festive occasion that is regarded as a welcome break or relief in the daily monotony of rural life.

Most markets have very little formal organization. Each one has its head man or "big man of the market" to whom disputes are referred, and if he cannot settle the disagreement, then it is taken to the head of the village or to the judge if the village boasts a regular Moslem court. In the capital city the market is so large and disputes so frequent that there is a special court nearby to handle market affairs. In the market itself, each variety of thing being sold has its own section, and, as in the village, the butcher's section is generally on the lee side (southwest) of the market site. In the larger villages market fees are taken from sellers who use the stalls, but this is uncommon in small centers where they just take the first one available as long as they restrict themselves to that section of the market given over to their particular type of selling.

Prices vary with the season, the time of day, and how common the item is. Taking the last point first, a fancy imported man's robe may have a relatively wide price range since not many people buy these, and the seller tries to charge as much as he can. At the other end are items like boxes of sugar cubes which everyone buys regularly. The prices of such items are well known and people do not haggle over them at all but simply give the money to the seller since both know the standard price. Some food commodities such as millet and guinea corn are sold in the Magumeri market at a flat price for a small gourd-full of grain, but the prices vary for a bag of grain over the year. In order to keep prices constant sellers simply vary the size of the gourd. In general, food prices rise during the growing season when they

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

and he is a *tada njima* or client of the settlement head. All residents of this new settlement look upon its founder as their local leader. Disputes between members are always taken to Aji before going to any higher authorities while disputes with outsiders follow the general Bornu rule of going first to a political leader superior in rank to both participants. The new settlement does not have a name; however in all likelihood if it continues to grow and Aji's place is taken by one of his heirs, either his brother or his son, it will be called Aji or Ajiri after its founder. At present Aji collects taxes from the men of the new community, and these are taken by the hamlet head of Gworongo to the head of Magumeri village area. Aji hopes that one day he will be able to take the taxes directly to Magumeri, thus helping to indicate his equal political status to that of the hamlet head of Gworongo. When that happens he will be a recognized bullama or head man of a hamlet or ward. He tries to take disputes directly to Magumeri village, but in 1957 this was not accepted and the hamlet head of Gworongo was invariably called to sit in on such discussions.

The same process can be seen operating in larger villages. In Magumeri village itself one ward under its bullama (ward or hamlet head) was, in 1957, becoming large enough so that people were beginning to speak of the possibility of its splitting into two under the old bullama and a new one. In the ward a man named Kachella has under his authority the compounds of several younger full brothers, three of his sons two of whom are married, several nephews, and a few unrelated clients who say they are his *tada njima*. He collects taxes from these compounds and takes the money directly to the village head of Magumeri. However he recognizes the authority of the present ward head in settling disputes and always consults the latter first before taking the matter to a higher authority. One of his sons has married a girl from the household of the ward head and this helps link the two households. The ward head seems tolerant of the rising power and influence of his neighbor and always consults him on any major decision affecting the ward. Eventually however, if the set of linked households under the authority of Kachella continues to expand, then he will become a recognized bullama of his own ward of the village and the office will be passed on to his heirs.

The Village Area

The village area in Bornu includes a major settlement which gives the area its name and a set of surrounding smaller hamlets that are included within the political boundaries of the village area. Thus Magumeri village area includes the village of Magumeri and a series of little hamlets in the surrounding countryside. As we have seen, smaller villages are divided into wards under bullama and the hamlets surrounding the village each have their own bullama as well. In other words all recognized political leaders under a village area head are called bullama. The head of a village area, that is, the political superior of all bullamas in the village area is called the *lawan*. However the system is flexible and a few large cities such as the capital city of Maiduguri, as well as several other centers with populations over 10,000, have several lawan, each in his own ward of the city. Under these city lawan are sub-wards again under the bullama. Thus the traditional nineteenth-cen-

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

tury system of a flexible hierarchy described in Chapter 2 in which the number and authority of political offices can expand with the settlement size is still recognized and practiced.

In Magumeri village area one lawan is responsible for the administration of the entire area. All permanent residents in the area, when asked who their local leader is, reply, "We are the commoners of Lawan Mina. We are his people." This does not apply, or at least applies less, to those persons who live locally and are themselves higher in the political hierarchy than lawan or are local representatives of the emirate civil service departments. They have their own political superiors and are responsible to others besides the lawan. Thus they give their taxes to lawan because they live in Magumeri, and he must collect the village tax, but a dispute between one of these men and a peasant would be adjudicated at a higher level in the political hierarchy than that held by lawan.

In his own part of town the lawan acts as his own ward head. Many of the compounds in the ward are reserved for his own followers, In Magumeri this includes the lawan's own compound with his four wives, married son and grandchildren, several clients and his aged mother. Some twenty followers consider themselves the active supporters of lawan under his chief follower or *wakil*. Each of these men have their own compounds near that of lawan or at least in his ward. They receive economic aid from him in the form of food, clothing, and money as well as a recognized role as a member of his retinue. Peasants often ask one of these followers to intercede with the lawan on their behalf, or to help in arranging a meeting between parties to a dispute with the lawan as the judge.

This retinue of followers who are called collectively by a special name (*waladi*) are linked together under the lawan and serve as his administrative staff. They keep in touch with gossip, aid in collecting taxes, act as contact men for anyone wishing to see him, help him on his farm plots, and carry messages for him. When he travels, several of these men are always with him on horse and on foot, and give him the appearance of being what he is—a man a cut above the common citizenry of the village area—a local official of the kingdom whose title is conferred officially by the Shehu himself. Indeed today his is the lowest rung of the political hierarchy that is recognized as a salaried job in the emirate.

This entire administrative organization of the lawan can easily be discerned by asking the people of his ward whether they would move to another village if he were transferred or dismissed. There are quite a large number in the ward who would remain. These are not his followers but they do regard him as the leader of their ward and like everyone else in the emirate they see him as the official leader of their village area. They have seen several lawans come and go, and if this particular lawan were to continually overstep the limits of his authority, they would not be averse to making some complaints about him to his superiors. Thus their good will and support must be solicited by the lawan. Indeed such a check on his authority applies to all the people in the village area. Another check which any person in the area has over the lawan is the possibility of migration. Any person is free to move away from the village area into another whenever he wishes, and a serious migration out of some political unit weakens the leadership and is almost always interpreted as a sign of faulty administration by superiors in the emirate government.

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

632 593 [873] The lawan's son in Magumeri, like many others whose fathers have positions of authority, wisely avoids any active leadership in his father's administration. His job as the adult education organizer for a literary campaign in the entire district keeps him traveling much of the time, and he never interferes with the political organization which he may one day inherit. His father, on the other hand, is one of the few enthusiastic supporters of adult education and enforces the program vigorously in Magumeri since he knows this will help his son's career in the Bornu 632 593 571 621 182 66 emirate government. If and when the son should ever replace his father, or gain some political office elsewhere in the kingdom, he would recruit many of his subordinates from the households of his father's followers. Thus superior-subordinate relations are often continued down the generations. Some fall by the wayside because there are always more potential followers available than needed, as the households of followers expand with their own children and clients. However since the son may choose any one within or beyond his father's administration he can insist on only the best performance and the most loyalty from those chosen. On the other hand, should the son not obtain his father's position, and not succeed in any other way in the political or economic life of Bornu, then his father's followers will begin to see that they must find places elsewhere for the younger members of their own households. When this happens the continuity of lawan's administration down the generations begins to disintegrate. This process is repeated at every level of the political hierarchy and lies near the core of political life in Bornu.

632 On a day-to-day basis the most important matters, especially in rural areas like Magumeri, are taken to the lawan. As we have seen in Chapter 5 he is a central figure in transferring land, using his office as a sort of registry for local land negotiations. He witnesses many marriages and divorces, and arbitrates disputes among those under his jurisdiction. Indeed most of the people living in Magumeri feel more secure about a decision they have made that might affect their neighbors if the matter is ratified and witnessed by a person in authority. Thus if a man in [621] Magumeri village wishes to move his compound walls and expand his dwelling space, he speaks to his ward head about it, and they both go to the lawan to report the intended action. The lawan asks one or two of his followers to find out if the [692] contiguous neighbors object, and if so on what grounds. If there is no objection the action is ratified; if some are forthcoming, then a judicial hearing results in which 632 182 the lawan hears the case. What this means is that for almost everyone in Bornu, especially in the rural areas, an enormous number of everyday activities are taken through the political system when relations between households are at issue. This in turn means that the political system is close to and very involved with the daily lives of the people.

632 651 626 692 As a salaried official of the emirate government, the lawan collects taxes from all men over eighteen in the village area. This is based on property assessments of their capital in cash and kind for that particular year. Over-taxing is common in rural areas where the people are illiterate, and even when it is not done, the taxpayers believe it is common. If the over-taxing is too burdensome, it is known that complaints against the lawan to higher officials in Bornu can bring at least an investigation and perhaps lead to his dismissal.

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There is no doubt that the lawan can punish people for not recognizing his authority. It is this kind of knowledge that make people aware that they must be sensitive to customary demands made of them by a lawan which if not complied with could bring punitive actions from his use of authority. Let me illustrate this by summarizing an interesting case from field notes:

Bukar is a newcomer to Magumeri. He has been given some land by the lawan and when not farming plies his trade as a hat-maker, and mud house builder. Because he had no previous social ties in the village he has attached himself to the Arabic teacher of the primary school who is a highly respected religious practitioner. This attachment appeals to Bukar because of his strong personal fears of supernatural malevolence. The Arabic teacher gives Bukar a place in the social relations of the village, plus free charms and medicines for illness and bad luck. Bukar looks after the teacher's house, repairs it, cleans it up periodically, and watches it during the latter's absence.

On one of these occasions during the teacher's absence Bukar borrowed some matting from his mentor for use within his own compound. The lawan in whose house there was to be a naming ceremony needed some extra mats for temporary shelters. He sent a follower over to the Arab teacher's compound to borrow some of the extra mats that were stocked there. These were taken, and Bukar was asked what had become of the rest of the mats. Bukar answered that he had borrowed them and that he was in charge of watching the teacher's possessions during the latter's absence. He refused to produce the matting in his own compound and was brought to the lawan where his defiance was rewarded by the lawan telling him that unless he produced the extra matting so that they could be borrowed by the lawan, then he (Bukar) was no better than a common thief. Bukar still refused and the matter was dropped.

When the teacher returned, the lawan complained to him of the disobedience and lack of respect of his man, Bukar. The teacher said nothing, but instead of reprimanding Bukar sent him to fetch back the mats borrowed by the lawan (the ceremony was now over). In so doing he indicated his support of his client, Bukar, against his fellow upperclass member in the town, namely the lawan.

Several months later Bukar was involved in a case against a Fulani nomad herdsman whose cows had strayed into one of his farm plots and eaten his millet. The case came before the lawan who ruled that, although the Fulani had pulled a knife on Bukar (a serious offense requiring a fine), it was Bukar who had started the fight, and it was this act that had caused the cow to wander over Bukar's field and devour his as well as another man's crops, besides causing the argument which made the Fulani pull a knife. Bukar was then fined heavily for starting a fight, fined for the other man's crops, and given an extra fine of five shillings which was to be paid to the district head. Bukar reports that his crops were already eaten before the fight started and besides this he and everyone else knows that pulling a knife during a fight is a separate offense from the fight itself and must be treated as such in court, and the Fulani was not fined for this misdemeanor.

In discussing the matter Bukar's senior, the teacher, explained that lawan was angry at Bukar for his behavior over the mats and was adjudicating against him for this reason. When Bukar finally raised the money for the fine, he was told by the teacher to give the money to the lawan and to say that he, Bukar, was a small, insignificant, poor peasant. He was further instructed to tell the lawan that if there was any help that the lawan needed in house building, he (Bukar) would be pleased to offer his services. The teacher also cautioned Bukar about the future.

If the lawan continued to adjudicate against him and gave him heavy fines, then he should request to take the case to a higher court. Thus the teacher wished his peasant-follower to make his peace with the lawan but if this were impossible, then higher authorities would be resorted to and the lawan's power bypassed. In other words the teacher felt that the political structure of the town should be respected but within limits.

Bukar's problem illustrates how a lawan can make reprisals when he feels that there has been some lack of recognition given to his authority by those under his administration. There are a large number of things in land matters, general disputes, ceremonials, divorces, default of bad debts, assault, housing, and commerce that come within his perview and intersect the lives of his people at a great many points and in many vulnerable ways. Therefore to thwart his authority and then remain within the orbit of his power without the possibility of reprisals would be impossible.

Recruitment to the office of the lawan is officially carried out by appointment from the emirate government at the capital. There is an official investiture ceremony at the capital, as in the nineteenth century, in which the lawan receives a turban from the Shehu of Bornu. In general there is a tendency, but only a tendency, for lawans to inherit the position. Thus one of the male heirs of the lawan takes over his household site and becomes the new lawan after his death. A male heir can be anyone in the male line of the lawan although sons seem to be favored. On the other hand many of the village areas have a history in which the office has gone to a number of men based on their particular relationship to the district head, the immediate superior of the lawan in the political hierarchy. Thus there is also a tendency for the lawan to be appointed from the ranks of the incumbent district head's followers so that the office also tends to shift from one agnatic descent group to another in relation to shifts in the person of the district head.

One other factor is important in the succession to a lawan's office. This has to do with the political allegiance of the lawan in the political hierarchy of Bornu emirate. If a lawan dies, or is dismissed, and he is not friendly to a new district head, then whether or not the district head attempts to replace him depends (a) on what are the lawan's political connections beyond that of his official superior, the district head, and (b) whether the new district head can procure the loyalty of the lawan and therefore enlist him into his own following. If a lawan has very powerful friends in the emirate, then the new district head could incur their wrath by getting the lawan out of office. A lawan is removed from his village area headship for a number of reasons although they can all be subsumed under three broad categories. First the political maneuverings of a district head who wishes to replace the lawan with his own followers. Secondly, excessive migration out of the village area, or complaints to higher officials by the peasants against the lawan, and thirdly, failure to raise enough taxes. These may, of course, be interrelated so that, for example, migration out of the village area would be spotted in the tax returns or by complaints resulting from the lawan's plan to cover up by taxing those who remain more than is bearable, thus bringing on complaints. However, if a lawan is responsive to his superiors, and does not mulct his peasants to the point of hardship, migration, and complaint, he has a fairly secure position in the Bornu political system.

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

lage area. The district head sent out his followers who gathered about fifty percent more than the original assessment and the lawan was then chastised and sent back with the warning that he must comply in the future with directives from the district head.

District heads' followers are outside the usual jurisdiction of those lower in the hierarchy such as the lawan. When they must be disciplined, or brought to court, they go directly to the district head or less often to the district judge by-passing the judicial authority of the lawan. Peasants seeking retribution for bad debts, adultery, or some other malfeasance committed by a district head's follower must then take the matter before the district head. This is the test of a district head's justice, and often he forces his followers to repay bad debts or fines, even though he himself is probably the one who will eventually pay the fine by advancing the money to his follower. In one case a district head publicly reprimanded one of his followers, paid his fine, then privately threatened to stop supporting this follower as his client for having burnt down a peasant's hut while drunk when the peasant refused to allow his wife to be molested by the follower. A district head who continually protects his own followers against the peasants develops a reputation as a tyrant and an inefficient administrator. Given the present government it is difficult to hide bad administration since complaints by peasants to touring officials usually provide information to people higher up in the political organization concerning the activities of a district head and his organization.

As suggested above there is sometimes a strain in the relations between a district head and the various lawans who head up the village areas within the district. Formally he relays directives from the capital to them in their village areas and they are supposed to carry out these policies. However the district head needs cooperation, often for necessary but somewhat semi-illicit activities and thus needs people he can trust in leadership positions within the district. On his side the lawan is semi-independent because he is a salaried official. District heads are constantly trying to win the affection and loyalty of their lawans, or if necessary to get them expelled, or wait until they retire and then have the office filled by one of their own loyal followers. Because district heads are constantly being retired, dismissed, or transferred from one district to another, each new district head is confronted with a number of lawans who are the loyal followers of predecessors who were district heads in the area.

The records of turnover of lawans, especially in the district capital, where they must see the district head continually, show that in general lawans are dismissed or retired most often shortly after the arrival of a new district head. The case of one lawan in Magumeri illustrates this very common occurrence. From 1921 to 1929 a lawan in Magumeri village area was a follower of the district head of Magumeri District. In 1929 a new district head arrived and suddenly the quality of reports by colonial officials changed. Whereas before this man was reported to be cooperative, intelligent, hard-working, and competent, he was now unpopular with the people, there was much emigration from his village area due to heavy taxation, and he was disrespectful to those in authority. In 1933 he was suspended by the Shehu, and a younger brother of the new district head was appointed to the lawan's office for the Magumeri village area. Examples like this are extremely common in the history of all the districts right up to the present time.

As in the example above there is a tendency for the district heads to ap-

1: Cohen E-4,5 (1956-1965) 1967 MS14 Kanuri MS14

which he hopes are less important. Furthermore, as in any bureaucracy, standards and their enforcement change through time, often as a result of changing personnel at the top. A new council member may have become interested in school latrines and suddenly start forcing compliance with the rules about such things. Failure to do so or to hear about the stringency with which the old previously unimportant policies are now being enforced could bring trouble to the district head who failed to comply. This is why information about policy and the cultivation of powerful friends in the central government is so important for the district head.

Before leaving the rural area a word should be said about adjudication. All leaders in the Bornu political system adjudicate disputes, and the political hierarchy itself serves as an appeals court system. Thus a peasant can take his dispute with a neighbor to his bullama (hamlet or ward head), who may decide to take the case up to the lawan (village area head), who in turn may decide to take the case to the district head. The district head may further decide to send the case over to the district court, and, if necessary, the district court can send the case into the capital city, to the court of the chief alkali of Bornu (chief judge's court). People can go directly to the judge's or district court, and in the city many do. Even with very serious cases like murder which must go into the central court in the city, the people taking the murderer into the city court most often go up the political hierarchy reporting the case each time they see another official even though there is no adjudication, thus giving recognition to their political leaders rather than going directly to a higher court.

Cases are tried by a combination of Muslim law and local custom. The chief or judge listens to the case, and if three witnesses swear for one side in a dispute but not the other, then the side whose witness has sworn wins the case. If no one swears evidence or too many people swear on both sides, then the judge listens while his assistant in the court interrogates the parties involved. The judge, whoever he may be, then makes a decision. Very often the interrogation itself tends to move the evidence towards one side in a dispute or another. Usually if a crowd gathers, one can see by simply listening to the crowd which side of the court case is winning the argument. On the whole decisions are just unless there have been previous and difficult relations between the adjudicator and any of the parties concerned. Swearing evidence in a court is called "eating the Koran"; that is to say, a person must swear on the holy book. If he tells a lie, it is believed that his hand will shrivel and he will die of horrible diseases. This belief is widespread and it is genuinely feared that the traditionally implied consequences of lying in court are in fact quite true.

The Organization at the Center

In Maiduguri at the eastern end of the royal plaza is the palace of the Shehu, flanked on one side by the mosque and on the other by the official residence of the Waziri or chief minister of the emirate. The Shehu is the formal head of government. All measures, policies, appointments, made within the state are in his name; titles are granted at official investiture ceremonies carried on in the royal palace and he is the formal leader of the religious community of the state. This is em-

648 the actual administrative power. The twenty-one District Heads
648 in Bornu Emirate were appointed by the Shehu, as was the Waziri,
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634 and the members of the Shehu's council. Although these appointments formally need not be approved by the British administration, in practice their approval was necessary.

634 The system of District Heads replaced the feudal absentee
175 landlords who controlled Bornu in the latter half of the nine-
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178 teenth century. Many peasants still refer to their District
[651] Head as chima, the name for the feudal lord of former times, since one of the main functions of the District Head is the
[329] collection of taxes. Although many commoners continue to view the system today much as their ancestors looked upon the political system during the days of the Bornu Empire, radical changes
[642] had been brought about. Under the empire actions and decisions of the feudal lords were subject only to the disapproval of the
[648] Shehu, the absolute ruler. Today a still larger political unit, the government of Nigeria, maintains a legal system which protects all citizens though they may not be aware of it. A Kanuri could appeal out of his own political system, and seek the protection of a British District Officer against the ruling of his own Village Head or District Head. Obviously such a move might have serious repercussions and not many individuals decided to take the step. Nevertheless, the alternative existed.

692 In accordance with the British practice of ruling through
779 native institutions where possible, the formal legal system of Northern Nigeria continued to be Islamic law, more precisely

692 779 Maliki law, a particular school of Islamic law which became established in this part of the Western Sudan. Kanuri judges, trained in the Kano Law School, administer the law as alkalis. But all court records were open to the District Officer (who, incidentally, had Magisterial powers), and though he could not legally overrule an alkali's decisions, the District Officer could be instrumental in having an alkali replaced.

625 648 Still more important, the Native Authority of Bornu Emirate maintains a police force with semi-autonomous functions, which was controlled by a British Assistant Superintendent of Police. He was under the real control of the British Provincial administration, and was able to investigate with a free hand. The actions of the police force served to keep down crime and therefore to protect the citizenry. But the police force served the additional function of indicating to the Kanuri Native Authority that the force behind the legal system was under the control of an outside agency.

665 178 Lastly, with reference to changes in the total political system which effect Kanuri culture, recent years have brought about the development of regional political parties. The Northern Peoples Congress (NPC), the party in power in the House of Assembly of the Northern Region, has been strongly identified with the traditional ruling powers, the Emirs of the North, and is so viewed by the bulk of the population. Opposition parties have grown in importance, particularly in the urban areas where they receive their main support. The Bornu Youth

175 Heads or Ajias. The only important difference between the two,
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648 from the point of view of the Kanuri farmer, is that the Ajia
634 lived in the capital of his District, while the chima lived in
[642] Kukawa. There were, in fact, great differences between the two, because the British Resident ultimately controlled all policy decisions at the upper levels. But the Kanuri villager knew little of this. It is striking to note how many of the District Heads in 1956-1957 were the heads of the same noble families from which the chimas of the last century were chosen. The British, with or without knowing it, had kept the aristocratic families in positions of political power, at the same time preserving the old political structure of the empire.

175 The Ajias, in their turn, have kept their own kabuna to
634 help them in administering their districts. From their kabuna
632 they have selected the most trusted to serve as Lowans. Since many of the Ajias came from the nobility, they had many slaves whom they inherited from their fathers. These were frequently their most trusted kabuna, though not all kabuna are slaves. Many of the Ajias are slaves of the Shehu, and many of the Low-
[692] ans are slaves of the Ajias. Ajia and Lowan alike settle dis-
[651] putes, and collect taxes, their two most important functions.

C. Religion

779 The Kanuri are Moslems. Islam entered Bornu in the elev-
[175] enth century, and since that time has spread throughout the entire Kanuri population. Unlike the Hausa, where a large part

796 ceremony. Naming of children, circumcision, marriage and burial all have a religious aspect, though of course the nature of the ceremony is strongly Kanuri in character, and differs from the same ceremony as practiced by Moslems generally or from that ceremony as practiced by other nearby African Moslems. Similarly, the ceremonial holidays in the yearly cycle follow the Moslem calendar. Days of celebration include: the new year, the prophet's birthday, the sacrifice of the ram, and of course the month of Ramadan.

2. Islamic Law.

671 779 577 Several aspects of Kanuri culture are most profoundly affected by Islam, and will here be given more extended discussion. Law is perhaps the foremost of these. Acceptance of Islam means the acceptance of Islamic law. This involves two broad areas: one's conduct in everyday life, and formal, written law which is a part of political organization. With respect to the first, the Kanuri view of the "good man" is synonymous with being a good Moslem. In one's every-day conduct one should be properly humble and respectful of superiors, and false pride (ro kura) is considered a despicable trait. One should be devout not only in performing ritual acts, such as prayer, but in one's thoughts. It is commendable for a man to awake early in the morning, long before the time one begins the day's work, for contemplation and the counting of prayer beads (tajimi).

[692] Disputes are taken to the Lowan and to the Ajia for arbitration,

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692 and here the spirit of the Koran is the guide to proper behavior.

[171] In the area of formal law, the Kanuri follow the same legal school prevalent throughout the Western Sudan--the Maliki legal school. Maliki law covers criminal law, rules of evidence, procedure, sentencing, property rights, contracts between individuals, law of marriage and divorce, inheritance and numerous other areas. Formal courts exist in Bornu, pre-
[693] sided over by Kanuri Alkalis, or judges. The Alkali begins his training, like so many Kanuri boys, by study of the Koran with a Malam. He completes his training, at present, in the Legal School at Kano. Islamic law in Northern Nigeria falls within the general area of "Native Law and Custom."

3. Education.

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779 Education, as the Kanuri understand it, means studying the Koran. From about the age of six, both boys and girls are
[563] sent to a Malam to learn to pray. Every village has someone who can perform this minimum function, but only the towns have
[562] Malams. It is sufficient for a girl to memorize the prayers,
[565] and most boys proceed no further. However, parents who have greater aspirations for their sons, generally sons from upper class homes, will send their sons to live in the house of a Malam and study with him. Occasionally boys who show aptitude in their studies will be sent on to a more important Malam to
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779 continue their studies. Under the tutelage of the Malam, the

586 779 681 of sixty bowls of millet. If he pays the fine they may resume living together as a married couple; if he does not pay, living together is haram (forbidden), equivalent to living with one's mother as one's wife. If, in the course of a quarrel, the husband calls his wife "Yanyi", he must pay the fine or the marriage is dissolved.

586 779 [692] It would seem that the husband's abilities to dissolve a marriage are much greater than those of his spouse. The wife, however, has many ways open to her for bringing about a divorce, and, as was noted above, the law protects her rights. If the wife merely dislikes her husband and wants a divorce from him, he may refuse unless she pays him a sum of money. Since the husband loses the luwaliram when he divorces his wife, he will demand that she return the luwaliram to him (and some times more in addition), if it is she who wishes to bring about an end to the marriage. Amicable divorces of this type, where it is the wife who seeks to initiate the divorce, are brought about by an agreement concerning the luwaliram payment. Should the husband refuse to divorce his wife, she may take to disobeying him, and cease to prepare his meals. In that case he may take her to court, and unless she has a reasonable claim against her husband (for example, that he beats her), the court will order her to swear on the Koran that she will behave properly in the future. Oaths taken on the Koran are thought of in very serious terms, and are not lightly broken. It is thought that a wife who has sworn on the Koran and who breaks her oath will die for swearing falsely.

586 779 626 695 [734]

593 595 The husband has absolute claim to the sexual rights of his wife. Should he have more than one wife, he must regularly alternate his stay at the house of the wife with whom he sleeps, spending one night in turn with each of his wives. Though he might not have sexual intercourse with her, he must spend the night in her house. Should he, for any reason, break the regular alternation, his wife can bring him before the Alkali who would force him to observe the rule or dissolve the marriage. In this way, although the husband has absolute rights, the law once again helps to protect the wife. It can, and frequently does happen that a man will have preferences among his wives. He may recently have married a young girl whom he finds more attractive than an older wife, but he may not allow his attraction for her to cause him to favor her by sleeping with her, at night, more frequently than he does with his other wives. After a woman has borne a child, her husband must not have intercourse with her for forty days, but he must sleep in her house when her turn comes despite the fact that he may not have intercourse with her.

595 Where there is more than one wife, the wife who has been married to the household head for the longest period of time is senior wife in the household. This is a position of authority in the household. Though she may not curse or beat the other wives, she does give orders which are obeyed by the other wives. Disputes between lesser wives are settled by the head wife. If one lesser wife will not cease making trouble after being warned, the head wife may tell her husband that the lesser wife is a per-

[GEIDAM]

634 692 692 692 692 692 trict. The Alkali is in charge of the Geidam District court, a grade 'C' court according to the British ranking system, but the most important of the district courts. The Headmaster and his three teachers run the Geidam Primary School. The various experts, such as the veterinary, dispenser, etc., are all educated men who have been trained in their specialty. They are, however, NA appointees and are directly under the authority of the Ajia. Only the Lowans are concerned solely with the town itself, and they, too, it will be seen, are directly responsible to the Ajia.

648 634 The British instituted a formal Village Council, with an elected membership of fifteen to twenty. The Ajia is Chairman, and Alhaji Amadu Kolon, an important canteen owner and trader, is the elected vice-chairman. There is also a District Council similarly instituted, with the Ajia again as Chairman. Its twenty-five to thirty members are all Lowans of Geidam District, save for four or five. In contrast to these formal councils, there is an informal and traditional Kanuri council which consists of the people who come and sit at the gateway (chinna) of the Ajari while Yerima Mustapha is arbitrating disputes. It is made up of a shifting membership, some more permanent than others, which includes important kabuna of the Ajia's, NA officials who are in a special relationship with the Ajia, and some of the important citizens of the town.

634 692 Only the Alkali is not under the direct authority of the Ajia, and in theory the courts and the executive branch, repre-

[GEIDAM]

634 692 sented by the Ajia and those under him, are supposed to operate independently and to serve as checks on one another. In Geidam, Yerima Mustapha and Alkali Baba Kura work together very closely. As will be seen, the system of social stratification and the personal histories of the Geidam power elite operate to prevent the independent functioning of the several arms of 178 648 63 government. When the social system persists and old Kanuri values are adhered to, as happens in Geidam, the traditional political system continues to operate despite new forms instituted by the British colonial rulers.

177 178 625 648 The manner in which this occurs can be seen most clearly in the following example describing the functioning of the police in Geidam. Niggria has a dual police system: the Nigerian Police, an arm of the Federal Government, and NA Police, part of the Native Authority system. The Borno NA Police are under a European Assistant Superintendent of Police, stationed in Maiduguri. Among his important concerns is the theft of livestock, particularly in the northernmost districts, since cattle are easily moved across the frontier and sold in Niger, out of [661] the jurisdiction of the Bornu NA Police. The Assistant Superintendent of Police had strong suspicions that collaboration between thieves and political officials on both sides of the border was preventing the apprehension of criminals. He thought that Lowans and Ajias might be hiding and protecting thieves and sharing in their profits. Consequently, he considered it imperative that the Police operate independently of the other

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175 wished to have as the new Lowan, he replied that he was indif-
632 ferent. The name of Kolo Kolo was then submitted to the town
634 council, the only name submitted. Eight council members voted
66 for Kolo Kolo as new Lowan; two wrote in other names. Kolo Kolo then became the new Lowan. He had been a resident in Geidam for twenty years before Yerima came to the town, and had been an important dilelma dealing in cows. Kolo Kolo is of the same family as Yerima's mother. When Yerima came to Geidam as Ajia, Kolo Kolo joined him as a kabuna, one of the more important kabuna. At the first opportunity he was made a Lowan. He is a good choice as Lowan as he has long been a resident of Geidam, and is acceptable to the townspeople. At the same time, he is a kabuna of Yerima's, and is completely devoted to Yerima, who made it all possible. Yerima bears no grudge against Lowan Kagu. He specifically states that if Lowan Kagu, who is still a young man, has learned from the experience and can demonstrate through his behavior that his attitudes have changed, he may well be appointed Lowan again, should a future opportunity arise. Indeed, it appears that Yerima would welcome this, were he assured of Lowan Kagu's loyalty to him, as it would smooth over old rifts and would restore Lowan Kagu to a position which had long been in his family and to which he was entitled.

692 The courts in Bornu are intended, theoretically, to oper-
697 ate independently from the political arm of government, and in
000 particular to be free of all influence from the Ajias. The

693 Maiduguri. He also holds the post of Alkali for Maiduguri
554 District. Replacing Alkali Baba Kura in Geidam was another young man, Alkali Tijani Nanami, whose father had also been the Alkali in Geidam years earlier, in 1939-1940. Thus the same families tend to retain their positions of power and
[66] prestige in the social system. If the past can serve as a reliable guide, Yerima will again further the career of the new Alkali, so long as he sees that his help is appreciated and rewarded by proper reciprocal behavior, and in this way the close bond which he has always seemed to create and maintain with Alkalis in his district will serve to smooth the way in the administration of his district.

3. The Role of Authority Figures: Sholo.

627 A very widespread Kanuri method of obtaining in-group
692 justice is through the arbitration of disputes by a person in a position of authority. This practice is called sholo. Disputants within a particular craft or occupation will go to the head of their craft group for arbitration. The head of the zogors arbitrates disputes between zogors. The Lowan arbitrates disputes within his ward or his village. The wakil has disputants brought to him; he then presents them before the Ajia
[618] for sholo. The Alkali will settle disputes out of court. The British officially forbade Lowans and Ajias from hearing cases
[779] and arbitrating in disputes. However, Alkali Baba Kura says that according to the Koran, the settlement of disputes through

[GEIDAM]

627 arbitration is encouraged, so long as the complainant has his
692 [779] grievance adjusted.

627 Carrying out sholo is one of the most important functions
662 of the individual in a position of political authority. It is
431 subject to various forms of abuse, however, though there are self-regulating mechanisms which inhibit the continuation of abuses. The matter of fees and gifts in cases of sholo can be
[192] a source of difficulty. The words kunjo and nasha are used for any sort of gift. Kafelo is the traditional gift which the small man, the talaka, gives to the important man, the kantuoma. Risa (Arabic) means simply a bribe. Wushira is the fee paid
[779] to the court after a dispute is settled. According to Alkali Baba Kura, kafelo and risa amount to the same thing, and both are forbidden by Maliki law since gifts given with the expectation of preferences in the future are haram (forbidden according to religious law). Giving of kafelo is traditionally done nevertheless.

627 Before the hearing of a dispute, both parties give kafelo
[431] to the mediator. If no kafelo is given, the dispute will not be heard. After a ruling is made in the dispute, the side which has received a favorable decision gives wushira to the medi-
[693] ator. The reasoning involved in the giving of wushira is that if the case had gone to court a set fee would have been paid. When a case is heard in Sholo, therefore, the mediator receives as wushira a smaller fee than would have been paid in court.

Despite its outlawing by the British administration, sholo

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651 in the Mediterranean, ensconced in Zinder (a tributary of Bornu) as the representative of the Bornu monarch. A slave raid carried on into Bornu territory by the monarch of this petty state, for the purpose of allowing him to pay some of his personal debts, was condoned by the Bornu "consul" because a portion of the spoils from the raid was to be sent to the Shehu. Richardson also expressed the opinion that much of the real power in Zinder was in the hands of the Shehu's Representative rather than with the local authorities.(1)

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651 From the earliest records extant of the Kanuri empire in Kanem right up until the arrival of the British, a system of tax exemption obtained called the Kahram. Although it most often applied to religious mallams, who were recognized in this way for their esoteric knowledge in matters of law and religion, special services to the king were sometimes [212] rewarded in the same way. These exemptions were always recorded in writ- [451] ing, so that when the British arrived and began instituting their own form of universal taxation many of these documents, some claiming 990 years of [114] exemption, turned up. They were collected, translated and subsequently published by Palmer.(2)

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c 692 Judicial power was divided between the political leaders and the Muslim Alkalai (judges), as it is today. In the kingdom of the Mais centered at Birni Gazargamo, traditions tell of the Kainin Kanendi, literally the second to the king. This man was the chief judge of the state and, it is said, the second most important man in the realm.

In the house and the quarter of the Kainin Kanendi were twelve [693] other judges, who with himself constituted the high court of the realm. In the larger towns, the king appointed local mallams to act as judges, from

(1) Richardson, J. Mission to Central Africa; Vol. II, pp. 182ff; 1853
(2) Palmer, H.R. op. cit. pp. 12-51.

175 692 whom appeals could be made to the high court in the capital. The keeper 693 of the records or scribe of the high court, the Talba was considered the [645] third most important person in the kingdom. It is said that this high court plus its scribe served as a council to the king in the affairs of state because of its members' knowledge in matters of law and religion.

175 692 643 When the Birni dynasty fell in the 19th century, Shehu Laminu served as the highest judge in the land, thus bringing political and judicial functions even more closely together in the state. He kept the idea of an appeal court and local courts but did much of the high court adjud- [631] ication himself. The relation of the temporal judiciary and its religious practitioners is illustrated by a European traveller's account in the 1820's,(1) who records that local judges' decisions could be reversed by the high court or the local political resident.

175 182 463 The presence of a large upper class and a royal court with its patterns of specialized consumption, the uneven distribution of intensive cropping and craft production localities, the contacts with North Africa and to a lesser extent the western Sudan, for the last 1000 years, have all acted as conditions supporting the differentiation of labour in [44] Bornu. This has produced the idea and the physical reality of the market.

175 439 Trade has been a well organized aspect of the society for centuries. A complex system of distribution and production through the market was observed by the first travellers in the area. Grain was dispatched to Bilma up in the desert in return for salt. This trade so tied the people of Bilma to Bornu that even today when the trade has been much reduced, they still feel themselves very closely allied to the Kanuri. Natron from Lake Chad was taken to Kano and from there traded all over coastal West Africa.

(1) Denham, D. and Clapperton, H. op. cit. p.23

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642 most useful institution, in terms of survival, was the organization of a feudal state. Under the king, the nobility had their own fiefs which validated their status in the state and insured their all-important military cooperation. It was indicated in the chapter that this kind of organization has been used historically in Bornu for incorporating entire tribes into the Kanuri state, if such was desirable.

The major point, however, is the legacy of the state organization which the historical development of Kanuri feudalism has maintained.
[701] A well ordered and easily expandable war machine for the offensive and defensive policies of the state was a primary result of the feudal organ-
[692] ization. Once these structural principles were in operation, taxation
[652] and a hierarchical political and judicial system became possible and operative over a wide territory.

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633 The presence of a capital city with a large administrative
463 and military class served as a stimulus for the specialization of labour.
433 This body of people was an ever-ready market for the sale of surplus
439 subsistence produce and a wide range of specialized manufactured materials of local and imported origin, which in turn stimulated trade and the development of the market from the very earliest days of the kingdom.

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642 Another of the contributory strengths of Kanuri feudalism in terms of survival was its flexibility, that is to say, its ability to expand and contract from the center. As long as the nucleus of a court and a monarch remained, no harm was done to its continued existence. Feudalism is a segmentary corporate structure; if the top remains, including the idea of its centrality and paramount position in the conception of the state, then the expansion and contraction of the state itself bears no relation whatsoever to its survival. Segments may break off, others may join on, but as long as there remains the tangible concept of some-

175 During 1929, a touring officer (British) reported that
648 there were indications of widespread "extortion" of the peasants of
634 Mobber District by the District Head and his chimas. In May of 1930,
632 Mr. Reed, an A.D.O., was sent up to Mobber to investigate the situation. He reported that the District Head had stationed his chimas in many of the towns of the District. These subalterns were exercising judicial authority, administering whippings and raising levies for themselves and the District Head. The latter when questioned admitted that he was operating through chimas but complained that the Lawans (traditional Village Heads) were for the most part hostile to him. Mr. Reed told the District Head to abolish the chima system and tour himself. The District Head pleaded that he needed to have his own followers in the outer towns of his District to maintain order. The A.D.O. agreed and said he would return in about a month's time to see if the reforms had been carried out. On the return of Mr. Reed in June the situation had not changed appreciably and the A.D.O. arrested five of the most complained against chimas (by the villagers and Village Heads of the "chima's town") and took them to Maiduguri for hearings on the matter.

175 On July 7th, 1930, the Shehu, during an interview with
648 the Resident, mentioned that the District Head of Mobber had request-
634 ed the removal of the Mobber District judge on the grounds of ignor-
643 ance and inefficiency. Upon questioning, the Shehu advanced the
692 opinion that this request might be due to bad feeling between the District Head and the Alkali (judge). In his turn, the Resident opined that it might more particularly be the case that the judge disapproved of the District Head's illegal use of chimas and raising of personal tax levies.

586 Nevertheless the incidence of divorce is very high and only exceptional women marry as virgins and remain married all their lives to the same man, while practically all men divorce a wife at least once in their lives. The average figure is about three to four divorces per person (from qualitative observation and genealogical records) during a life span. The reasons given for divorce run the complete gamut of dissatisfaction that a man and a woman can complain of in their relations with one another.(1) Furthermore divorce is very easy to institute, being merely an act of personal will by either partner to the marriage.

[892] A great many divorces are practised without resort to the formal proceedings of the Alkalai court. The woman leaves her husband's compound taking her property with her and returns (traditionally) to her <u>luwali's</u> (guardian) household, which usually means her parents. As we have said before, this is not always the case in later marriages. If the husband wants her back, he sends an intermediary to the house to which she has returned to plead his case. If he does not, then an intermediary may be sent from the house to which the girl has gone. This latter procedure is much less usual, since the girl's family is traditionally of higher status, and it is customary for the lower status group to visit the higher and not <u>vice versa</u>. If no intermediaries are used it is assumed that both parties desire a divorce, or if they are used and fail to obtain a reconciliation, then [627] divorce follows. If any adjudication is required in the proceedings, [692] it is most commonly carried on by relatives, friends, ward heads and town heads.

[171] (1) c.f. Smith, M.G., op.cit. (1955) (p.63). Smith gives a list of complaints obtained from Hausa court records of divorce. All of his list of sixty-three complaints are applicable to Kanuri court proceedings on divorce.

586 town heads. Resort to higher courts occurs only in cases where settle-
192 ment by these local adjudicators is refused by one or both of the parties. This usually happens in the following instances: (1) annulment cases where there is a failure at consummation of the marriage; (2) when a man wants the return of the bridewealth because of his wife's request for a divorce only a few months after the wedding; (3) when there has been a beating which draws blood, thereby involving the litigants in an argument over blood money which must be paid by the assailant to the injured party and his/her family; (4) when any matter becomes so contentious as to be impossible to reconcile with the immediate help of relatives, friends, and local leaders.

586 Informants claimed that at least half of all divorces resulted in the remarriage of the couple. In light of the large number of divorces, this statement seemed contradictory to the observed facts
[192] at first glance. However, the Kanuri word for divorce (dəmyin) really means "to leave a spouse", i.e. it makes no distinction between divorce and separation in its semantic reference, which is an accurate description of the facts, since all divorces begin as separations. When viewed in this light the informants' statements make sense, since many separated couples are re-united. The reunion of a man with his separated wife was described as being very informal and inexpensive. He merely gives a small gift to the woman and the relatives (sometimes) with whom she is staying, and she returns to his compound without ceremony. There is, however, a limit to the number of times a man and woman may separate and re-unite. The third time a woman leaves her husband's compound, she does so in the knowledge that return is impossible under the terms of Kanuri law. That is to say, after the first and

428 of system is developed to order this common human problem. Because
571 it is perhaps one of the most fundamental determinants in directing
121 the course of continuity in the social process, it would be well to understand clearly what are the implications and problems created in the system of rules outlined above.

428 Two common kinds of conflicts arise from the Kanuri in-
578 heritance system: a minor and perhaps even invigorating one, and a
613 major and fundamental one which strikes at the unity of the agnatic lineage. The first and minor conflict is that which arises between a deceased's wife, supported by her agnates on the one side, and the agnatic group of her dead husband on the other. She may claim that some of the property of her dead husband really belongs to her, often because she loaned him some of her property and he died before he could give it back. In this type of dispute, the agnatic relations of the deceased act corporately as defendant, while the widow and her [571] agnates are a corporate plaintiff. The end result in terms of social relations in this kind of conflict is to strengthen the agnatic lineage structure of the society.

The second type of conflict can be expressed as a split between collaterallity, as represented by the agnatic siblings of the deceased on the one hand, and linearity as represented by the [692] father-son relationship on the other. This type of dispute which is rarely seen in the courts occurs between a dead man's male siblings and his sons, over the distribution of his property. By traditional law the sons have more rights than their paternal uncles to their father's inheritance, given that they are of age (which sometimes becomes the basis of the argument). However, no clear cut either/or

634
571 Conversation among peasants suddenly stops when one of these fellows
561 approaches the group.

634 The DH's followers are disciplined by the DH rather than
692 the local Lawan. Peasant legal cases usually come before the Lawan for adjudication. But legal cases between peasants and DH's followers are brought to the DH or the District Alkali (Muslim judge) court. The DH disciplines his followers for any high-handed treatment of peasants because such behaviour if continued unchecked can bring action against
[681] him from higher up in the state. Thus the DH Magumeri severely and publicly reprimanded his followers for misdemeanours such as assaulting peasants or not repaying debts. One member of the DH's organization was publicly reprimanded and privately threatened with expulsion from the organization for burning down a pagan's hut because the latter would not give up his wife to the desires of the follower.

634 The followers of DH receive money, food, clothes and status
571 in the society as members of a powerful organization. In return they give him the prestige afforded to anyone who has a large retinue of loyal supporters in a culture where such followings are highly valued.
[557] Informants often remark that one DH was a "bigger" man than another
634 because he had more followers. They also serve as his executive and
571 carry out his decisions in the District. Thus in Magumeri District,
661 where not many of the people are enthusiastic about western education, the DH uses his followers to abduct children from their parents in order to fill the two classrooms of the District's only school. Another DH known to the writer assesses each Lawan for the amount of taxes he must raise annually with the understanding that there will be enough left over after revenue is delivered to the capital for the DH and the Lawan to have some cash gains. In one case a Lawan of the District claimed

366 494 161 ulation growth in itself may be said to lead to markets, and markets and transportation facilities, when present, "feed back" to stimulate further growth.

443 494 484 Markets, especially those on motor roads, tend to set the one pattern or rhythm of intersettlement communication and travel. Thus if Bukar or Magumeri wishes to take several bags of millet to Yerwa (Maiduguri) he knows that he can get a lorry at the Thursday, Sunday or Monday market, which can take him and his goods to the capital. Again if Bukar's sister is coming to visit him from the capital or some other distant town in Bornu, she will arrive on a market day. If a man's wife wishes to divorce him, or he her, she must wait until market day to leave him in order to obtain "proper" transportation back to her relatives if they live in some distant part of the state. Thus the market cycle plus the presence of lorries and roads determines a large part of the temporal movement of rural life. This, of course, adds zest, interest and excitement to market day. Beyond the temporal categorization of events, markets are also major sources of news and gossip about politics, marriages, births, circumcisions and deaths. Pagans brew beer for sale on the local market day, and gamblers hold (illicit) card games in the nearby bush area. Gambling, strangers, new bits of gossip, perhaps a new woman or two, drummers and entertainers, all contribute and create not just an ordinary day for buying and selling goods but a festive occasion which is regarded as a break or relief in the daily monotony of rural life.

443 692 [632] Each local market has its head man (mala kasube) to whom disputes are referred. If he is unable to settle the disagreement, then the disputants are taken to either the Lawan (Village Head) of the market town, or the judge, if the town boasts a court. In Maiduguri, there